

July 25, 2009

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

Texas Commission on Environmental Quality
Office of Chief Clerk
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MC 105
Austin, Texas 78711-3087

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CHIEF CLERKS OFFICE

Mr. Buddy Garcia, Chairman
Larry R. Soward, Commissioner
Bryan W. Shaw, Ph D, Commissioner
Celia Castro, Staff Attorney, for the Executive Director
Agenda Docket Clerk
Public Interest Counsel
Director of Office of Public Assistance

Re: Docket No. 2009-0545-SLG - City of Gatesville
Request file for permit #WQ0004464000

Dear Chairman & Commissioners:

It is my understanding that this matter will be considered before the Commission as an agenda item for reconsideration of the permit to the City of Gatesville for Class B sludge disposal as a Beneficial Land Use permit on the City's Airport site. Further, this matter is not being considered as a Contested Case Hearing, where we as affected residents and business should be given the opportunity to comment on the permit. We, as affected parties, ask the TCEQ Commissioner's to deny the permit until such time as affected parties and the public can be heard on the matter. Will you as Commissioner's act in our favor on the matter of permit denial until all parties can be heard?

We, as affected parties, went to the City of Gatesville in an attitude of reconciliation and accommodation to find an equitable solution to a neighborhood environmental nuisance. A lengthy period of time has elapsed since we requested the City of Gatesville City Manager to listen to our appeal to relocate the sludge disposal site. We were led to believe that the City of Gatesville would use a land fill site as an alternate disposal location. This was not considered, neither did it happen. Now the TCEQ rules that such a site could not be used. Is this true? What other disposal sites are viable to the City in this matter?

We, as affected parties, have requested, but not received, past or current Class B sludge analysis reports from the airport site. Is this information available?

We, as affected parties, find that the airport sludge disposal site will continue to, and does have a "discharge" from the site during even minor rain events. Private property and the water shed into the Leon River (Dodd Creek) are affected and contaminated under such events. Refer to the March 13, 2009 investigation by the TCEQ, Waco office where the sludge odor was noted and water samples were taken to test for e-coli in the "discharge" of the airport rainfall runoff. We find the TCEQ less than accommodating when it comes to verifying the compliance of the City's permit requirements. We have been denied the analysis report of these samples. Is the analysis of these ecoli samples available? The City of Gatesville does not currently control runoff and consequent "discharge" from the airport site. How will the City of Gatesville contain any such "discharge"?

We, as affected parties, appeal to your authority, in a spirit of cooperation, and ask the Commission to deny the issuance of this permit until further investigation is made. Or, until, the City of Gatesville pursues a timely, more appropriate Class B sludge disposal site.

We, as affected parties, must therefore conclude that the issuance of the permit to the City of Gatesville, for disposal of Class B sludge, not only delays resolution, but continues to promote:

1. a continued odor nuisance condition from the site,
2. a continued adverse public health affect,
3. a continued negative environmental impact on water quality, ground water and the Leon River watershed,
4. a continued negative impact on land use and personal quality of life on private property owners, persons and business in the area.
5. a negative and poor land use choice for a public airport, by the City of Gatesville's own standard for growth anticipated from a municipal airport.

Again, in the spirit of cooperation, environmental quality and public concern, we respectfully request the prompt denial of this permit.

Respectfully submitted,


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